IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 33203 of 2006(C)

PETITIONER:

THANKAMANI, W/O. VELAYUDHAN,
ANGARATH HOUSE, MONADY DESOM,
VELLIKULANGARA VILLAGE, MUKUNDAPURAM TALUK,
TRICHUR.

BY ADV. SRI.P.VIJAYA BHANU
SMT.K.S.CHANDRIKA

RESPONDENTS:

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1. THE DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCH, CRIME BRANCH OFFICE,
THRISSUR.

2. SUPERINTENDENT OF POLICE,
TRICHUR.

3. DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

4. SUB INSPECTOR OF POLICE,
VELLIKULANGARA POLICE STATION,
VELLIKULANGARA.

5. MOHANDAS,
ASSISTANT SUB INSPECTOR OF POLICE,
VELLIKULANGARA POLICE STATION, VELLIKULANGARA.

6. JINU,
POLICE CONSTABLE, VELLIKULANGARA POLICE STATION,
VELLIKULANGARA.

7. REGHU,
POLICE CONSTABLE, VELLIKULANGARA POLICE STATION,
VELLIKULANGARA.

BY GOVT. PLEADER SMT. LATHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 33203 of 2006C

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Dated this the 31st day of January, 2007

JUDGMENT

The grievance of the petitioner raised in this Writ Petition is that no proper action was taken by the police to register a crime and investigate into the allegations raised by him in Ext.P4 complaint submitted by him to the officials, including the police. Allegations are raised against the A.S.I., one Mohandas and two police officials of Vellikulangara police station.

2. When this petition came up for hearing, the learned Prosecutor was requested to take instructions. This petition was filed on 12.11.2006. Later, it is now submitted that a crime has subsequently been registered as Crime No.12 of 2007 under Sections 341, 323 and 324 r/w. 34 I.P.C. on 16.1.2007. The investigation is in progress, it is submitted.

3. The learned counsel for the petitioner submits that though a crime has been registered after filing of this writ petition, no proper or effective investigation is being conducted. The investigation that is now conducted by the Circle Inspector of Police, Pudukkad is not

sufficient or satisfactory. The petitioner cannot expect justice at the hands of the present Investigating Officer. Considering the nature of the allegations and the officials involved, a Senior Police official may be directed to conduct the investigation, it is prayed.

4. The alleged incident took place on 24.11.2006 A crime is seen registered only long later on 16.1.2007. In the very nature of the allegations and sequence of events that have taken place, I am persuaded to agree that a direction must be issued to the second respondent to entrust the investigation to a senior official of the police in the District, not below the rank of a Dy.S.P.

5. This Writ Petition is accordingly allowed in part. The second respondent shall entrust the investigation of Crime No.12 of 2007 of Pudukkad Police Station to a senior police official, not below the rank of a Dy.S.P. Necessary action in this regard shall be taken within a period of one month.

6. Hand over copy of the judgment to the learned Prosecutor, who shall communicate the same to the second respondent forthwith.

(R. BASANT)
Judge

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